

# THE RSC GOLDEN TURKEY AWARD

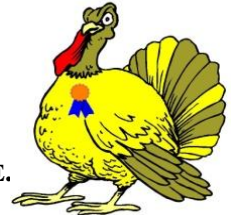
## Regulations Can Punish States for Weather Patterns

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The RSC Golden Turkey Award highlights absurd – though obscure – government regulations. This EPA rule unfairly burdens states with an arbitrary process for review.

**IN THIS MONTH'S EDITION: THE EPA CREATES NEEDLESS RED TAPE FOR STATES DUE TO UNCONTROLLABLE WEATHER, EXACERBATING THE PROBLEM IT SOUGHT TO SOLVE.**



The Clean Air Act, first passed in 1963, requires that the Environmental Protection Agency set National Ambient Air Quality Standards (NAAQS) for states. These standards include the maximum allowable concentration of pollutants that can be measured in a region. If an area fails to meet any of these NAAQS standards, the state must begin a lengthy and burdensome process of federal review wherein the state submits a plan for how the emissions standards will be met in the future.

While these rigorous self-improvement requirements may or may not be appropriate for a state whose policies are a direct cause of the increased pollutants, they are not intended to punish states for events they could not prevent. Random weather events like seasonal dust storms or wild fires can dramatically increase the incidence of NAAQS violations and cannot be controlled by policymakers. In response to concerns over these seasonal events, the Clean Air Act was amended in 2007 to provide an exemption for these so-called “exceptional events.” Random weather events, which states cannot prevent or control, were supposed to be granted an exemption from the regulation.

Unfortunately, the process for reviewing states’ exceptional events applications is extremely inefficient, costly, and arbitrary. The EPA has no required timeline to review the exceptional events requests, causing considerable regulatory uncertainty for states. Moreover, the EPA can deny a request without specifying their criteria and the states have no ability to appeal. In total, the San Joaquin Valley Unified Air Pollution Control District estimated that the paperwork to apply for the current high wind exceptional event exception takes more than 400 staff hours to prepare. This week the EPA receives the Golden Turkey Award for their insistence on punishing Americans for random weather incidents.

In a response, Rep. Jeff Flake (R-AZ) has introduced H.R. 5381, The Commonsense Exceptional Events Reform (CLEER) Act, which would require the EPA to review states’ exceptional events documentations within 90 days, provide publically-available criteria to evaluate the applications, and allow states to appeal the EPA’s decision in court as is the case for other Clean Air Act requirements. Most importantly, the legislation would ensure that states are given wide deference in deciding what is and isn’t exceptional when it comes to air quality events. All RSC Members are encouraged to support and cosponsor H.R. 5381. For more information, please contact Chandler Morse at [Chandler.Morse@mail.house.gov](mailto:Chandler.Morse@mail.house.gov).

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